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4 BRIAN K. YOUNG,
5 Petitioner,
6 v.
7 W. L. MONTGOMERY,
8 Respondent.

9 Case No. 15-cv-04780-SI
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**ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL**

Re: Dkt. No. 10

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13 Petitioner has requested that counsel be appointed to represent him in this action. A
14 district court may appoint counsel to represent a habeas petitioner whenever “the court determines
15 that the interests of justice so require” and such person is financially unable to obtain
16 representation. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the
17 discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986).
18 Appointment is mandatory only when the circumstances of a particular case indicate that
19 appointed counsel is necessary to prevent due process violations. *See id.* The interests of justice
20 do not require appointment of counsel in this action. The request for appointment of counsel is
21 DENIED. Dkt. No. 10.

22 In light of the possibility that petitioner was waiting for a decision on his request for
23 counsel before sending in his traverse, the court now extends the deadline for the traverse.
24 Petitioner must file and serve his traverse no later than **September 23, 2016**.

25 **IT IS SO ORDERED.**

26 Dated: August 17, 2016

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SUSAN ILLSTON
United States District Judge